

BROOKLYN OFFICE

**SIX CONTINENTS HOTEL, INC., HOLIDAY
HOSPITALY FRANCHISING, INC.,**

Plaintiffs,

-against-

CPJFK, LLC, CHARLES S. MORAIS, in his individual capacity, and SUNIL MIR, in his individual capacity,

Defendants.

NO. 09-CV-2021 (ARR)
(JMA)

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

The court has received via facsimile dated February 12, 2012, defendants' letter requesting an additional 90 day extension of time to obtain counsel and file an opposition to plaintiffs' motion for summary judgment. As a threshold matter, this court does not accept submissions via facsimile. Defendants shall communicate with the court only via written letter in accordance with local rules.

Defendants have ignored several court orders to obtain new counsel and file an opposition to plaintiffs' motion, served on September 8, 2011, and have been informed that no additional extensions would be granted by this court. Most recently, after suggesting on December 27, 2011, at the last minute and in disregard of the court's previous scheduling order, that defendants needed merely a few weeks to secure new counsel, the court relented and granted one final extension. Defendants failed to obtain new counsel by the court-ordered date of January 16, 2012. Defendants failed to serve a response to the summary judgment motion on February 6, 2012. Again, well after the court-ordered deadline has passed, defendants now request a 90-day extension in which to find counsel. Defendants have identified no reason they

have been unable to locate an attorney in the past four months and continue to disregard the court's orders.¹ Accordingly, defendants' request for a 90-day extension is denied.

Nevertheless, the court will allow defendants until February 28, 2012 to have new counsel file a notice of appearance on their behalf. An opposition to plaintiff's summary judgment motion shall be served—either by their new counsel, or by defendants pro se—no later than March 13, 2012. This court has been extraordinarily patient with defendants and will tolerate no further delay and waste of judicial and litigant resources. If defendants fail to comply with this order, this court will consider the motion solely on plaintiffs' submissions. Plaintiffs' counsel is directed to promptly serve a copy of this order on defendants.

SO ORDERED.

/s/(ARR)

Allyne R. Ross
United States District Judge

Dated: February 14, 2012
Brooklyn, New York

¹ Notably, the counsel identified in defendants' letter who will help them obtain an attorney in this matter is the same attorney identified in defendants' December 27, 2011 letter. Apparently, he has yet to find them suitable counsel.